

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

**MISSOURI PRIMATE FOUNDATION,
et al.,**

**Plaintiffs and
Counterclaim Defendants,**

v.

**PEOPLE FOR THE ETHICAL
TREATMENT OF ANIMALS, INC., et al.,**

**Defendants and
Counterclaim Plaintiffs.**

Case No. 4:16-cv-02163

[PROPOSED] ORDER

Before the Court is the motion for summary judgment pursuant to Federal Rule of Civil Procedure 56 by Counterclaim Plaintiffs, People for the Ethical Treatment of Animals, Inc. and Angela Scott (together, “Plaintiffs”), against Counterclaim Defendant Andrew Sawyer (“Sawyer”).

Good cause appearing, **IT IS HEREBY ORDERED** that the motion is **GRANTED** in all respects, as follows:

1. Summary judgment is hereby entered against Sawyer because there is no genuine dispute that Sawyer has violated and continues to violate the Endangered Species Act and its implementing regulations, by unlawfully taking the chimpanzee Joey (“Joey”), a federally protected animal (16 U.S.C. § 1538(a)(1)(B), (G); 50 C.F.R. §§ 17.11(h), 17.21(c), 17.31(a)), and by continuing to possess Joey who was unlawfully taken (16 U.S.C. § 1538(a)(1)(D); 50 C.F.R. §§ 17.11(h), 17.21(d), 17.31(a));

2. Sawyer's ownership and possessory rights with respect to Joey are hereby terminated and Sawyer is prohibited from owning or possessing endangered or threatened animals in the future, and is hereby enjoined from otherwise violating the ESA; and
- (1) A hearing will take place on [], 2019, to address the appointment of a special master or guardian ad litem to determine placement of Joey at an appropriate Global Federation of Animal Sanctuaries accredited sanctuary, consistent with his best interests.

Date: _____

CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE